

Message Text

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SUBJECT: NARCOTICS CONVENTION CLARIFICATION

REFS: A) STATE 258264; B) NASSAU 321

1. DEPT DOES NOT UNDERSTAND REFERENCE TO MINISTER ADDER-
LEY'S SKEPTICISM QUOTE CONCERNING LEGALITY OF THE GCOB'S
GRANTING PERMISSION FOR USG VESSELS TO BOARD, SEARCH AND
SEIZE THIRD COUNTRY VESSELS UNQUOTE. AT NO TIME HAS US
ASKED CONSENT OF GCOB TO BOARD, SEARCH OR TAKE ANY ENFORCE-
MENT ACTION AGAINST A THIRD COUNTRY VESSEL, AS ABOVE QUOTA-
TION FROM PARA ONE REF A IMPLIES, EITHER OUTSIDE OR INSIDE
TERRITORIAL WATERS OF GCOB. US HAS REQUESTED VERIFICATION
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OF REGISTRY OF VESSELS SUSPECTED OF BEING VESSELS OF GCOB
AND TRAFFICKING IN NARCOTICS. ONLY IF BAHAMIAN REGISTRY
CONFIRMED HAS US REQUESTED GCOB PERMISSION TO ACT AS AGENT
OF GCOB TO BOARD AND SEARCH. US HAS INDICATED THAT
FOLLOWING INVESTIGATION IF PRESENCE OF CONTRABAND FOUND IT
WOULD TURN VESSEL OVER TO GCOB FOR PROSECUTION UNDER GCOB
LAW. US HAS ALSO REQUESTED PERMISSION ON BASIS THAT IF

PERMISSION TO BOARD AND SEARCH GRANTED, AND EVIDENCE OF VIOLATION OF US LAW DISCOVERED, US WOULD THEN PROPOSE TO SEIZE VESSEL FOR POSSIBLE PROSECUTION UNDER US LAW. ON EACH OCCASION US HAS INDICATED THAT ONLY IF GCOB GRANTS

PERMISSION TO BOARD AND SEARCH, AND ONLY ON BASIS OF PERMISSION GRANTED AND CONDITIONS IMPOSED BY GCOB, WOULD US UNDERTAKE ANY ENFORCEMENT ACTION AGAINST VESSELS OF GCOB ON HIGH SEAS. AT NO TIME HAS US REQUESTED PERMISSION TO TAKE ACTION AGAINST ANY VESSEL OTHER THAN US VESSEL LOCATED WITHIN BAHAMIAN TERRITORIAL WATERS.

2. DEPT VERY WILLING TO DISCUSS WITH GCOB POSSIBILITY OF BILATERAL ARRANGEMENTS DESIGNED TO PROMOTE COOPERATION IN DEALING WITH CASES INVOLVING BAHAMIAN VESSELS INVOLVED IN TRAFFICKING IN NARCOTICS OR OTHER CONTRABAND.

3. CONSISTENT WITH ARTICLE 6 OF 1958 CONVENTION ON THE HIGH SEAS, JURISDICTION OVER VESSELS ON THE HIGH SEAS RESIDES IN FLAG STATE WITH EXCEPTION AS SET FORTH IN THAT CONVENTION. US HAS, IN ACCORDANCE WITH UNIVERSALLY RECOGNIZED PRINCIPLES REQUESTED AGREEMENT OF FLAG STATE TO ACT ON ITS BEHALF IN CASES WHERE USG HAS REASON TO SUSPECT VESSEL ENGAGED IN ACTIVITY PROSCRIBED BY LAW OF FLAG STATE AND TURN VESSEL OVER TO GCOB FOR PROSECUTION IF CONTRABAND FOUND ON BOARD. IN THIS REGARD USG TAKES NOTE, WHERE LIMITED OFFICIAL USE

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APPLICABLE, OF OBLIGATIONS OF PARTIES TO SINGLE CONVENTION ON NARCOTIC DRUGS, 1961, AS AMENDED, BY 1972 PROTOCOL, WITH RESPECT TO PREVENTION AND PUNISHMENT OF NARCOTIC TRAFFICKING. ARTICLE 37 OF THE CONVENTION SUBJECTS CONTRABAND NARCOTICS QUOTE TO SEIZURE AND CONFISCATION UNQUOTE. BOTH US AND GCOB ARE CONVENTION PARTIES, AS ARE MOST SOUTH AND CENTRAL AMERICAN COUNTRIES.

4. US WOULD APPRECIATE GCOB VIEWS REGARDING USEFULNESS OF CONSULTATIONS REGARDING FUTURE COOPERATION, WITH EYE TOWARD FORMAL UNDERSTANDINGS IF APPROPRIATE, IN ENFORCEMENT OF LAWS OF GCOB AND US CONCERNING NARCOTIC TRAFFICKING. VANCE

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